

**CITY OF WENATCHEE  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
CUP-14-06	)	<b>DECISION AND</b>
Wenatchee School District	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on January 5<sup>th</sup>, 2015, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. The applicant is the Wenatchee School District.
2. The owner of the relevant parcels is the Wenatchee School District.
3. The subject property is located at the corner of Russell Street and South Miller Street. The baseball stadium and adjacent parcels to the north have access on Cherry Street/Orondo Avenue and Fuller Street. The street addresses of the involved parcels are 1620 Russell St, 935 Orondo Ave, 921 Orondo Ave, and 122 Fuller St; and are identified by Chelan County Assessor Tax Parcel Numbers 22-20-10-565-045, 22-20-10-565-043, 22-20-10-565-040, and 22-20-10-565-065 respectively.
4. The parcels listed above, are located in the Residential Moderate zoning district and all but 122 Fuller Street are partially located within the Mixed Residential Corridor zoning overlay.
5. Public notice of application for this proposal and notices of the public hearing have been provided in conformance with the Wenatchee City Code, Title 13.
6. A Determination of Non-Significance was issued by the Wenatchee School District on November 20, 2014. The Wenatchee School District is the SEPA lead agency for this proposal.
7. Public and agency comments received on the proposal have been considered and addressed in the conditions of approval.
8. As conditioned, this development meets the goals, policies and implementation recommendations as set forth in the Wenatchee Urban Area Comprehensive Plan.
9. The proposed lighting poles are exempt from height limits according to WCC 10.46.020(2)(d).
10. The applicant has indicated that renovations will be made to the gymnasium, locker rooms, adjacent courtyard, football stadium, baseball stadium, and associated accessory structures.

11. The adverse effects of the proposed project will be mitigated as conditioned according to WCC 10.65.070(1)(e).
12. The applicant submitted complete application materials with respect to the requirements of Title 13.
13. The City of Wenatchee Hearing Examiner considered all evidence within the record in rendering this decision.
14. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.
15. An open record public hearing after due legal notice was held on January 5<sup>th</sup>, 2015.
16. The entire Planning Staff file was admitted into the record at the public hearing.
17. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
18. Appearing and testifying on behalf of the applicant were Brian Visscher and Tom Bassett. Both testified that they are agents authorized to appear and speak on behalf of the property owner and applicant. Generally speaking, there's no change being proposed as to the footprint of the structures on the property. However, improvements are going to be made in the form of facility upgrades throughout the project area. No parking spaces would be lost and in fact, in the second phase some parking spaces would be added.
19. The following person testified at the hearing
  - 19.1. Rob Tidd  
Mr. Tidd testified that he owns property on Orondo across from the project site. He currently rents this property. His concern, on behalf of his tenant, related to noise, alternative uses and lights.
20. The Wenatchee School District has submitted an application for a Conditional Use Permit (CUP-14-06) for the modernization, safety/security upgrades, and expansion of Pioneer Middle School Gymnasium, athletic grandstands, adjacent courtyard, and the Apple Bowl football stadium. Existing grandstand structures at the stadium would be demolished and replaced with a single structure that meets modern standards. The gymnasium would receive new lighting, HVAC, envelope glazing, and finishes. The lower floor locker rooms would be expanded to accommodate additional locker room space and health rooms. The courtyard between the gymnasium and the main facility and the courtyards between the classroom wings would have fencing installed to provide heightened access control to the building. As part of the current or a future project, the Apple Bowl football stadium improvements include, but are not limited to, new field lighting poles, energy efficient light heads, and the natural field turf will be replaced with synthetic field turf. A future improvement project for the baseball stadium is also included in this permit. This project includes replacing the grandstands, upgrading stadium lighting, construction of additional parking, and the replacement of old batting cages and other field structures.

21. The subject property is located at the corner of Russell Street and South Miller Street. The baseball stadium and adjacent parcels to the north have access on Cherry Street/Orondo Avenue and Fuller Street. The street addresses of the involved parcels are 1620 Russell St, 935 Orondo Ave, 921 Orondo Ave, and 122 Fuller St; and is identified by Chelan County Assessor Tax Parcel Numbers 22-20-10-565-045, 22-20-10-565-043, 22-20-10-565-040, and 22-20-10-565-065 respectively. The parcels are located in the Residential Moderate zoning district and all but 122 Fuller Street are partially located within the Mixed Residential Corridor Zoning Overlay.
22. Site Information
- |                           |                             |
|---------------------------|-----------------------------|
| 22.1. Total Project Size: | Approximately 18 acres      |
| 22.2. Domestic Water:     | City of Wenatchee           |
| 22.3. Public Sewer:       | City of Wenatchee           |
| 22.4. Power/Electricity:  | Chelan County P.U.D.        |
| 22.5. Fire Protection:    | Wenatchee Fire Department   |
| 22.6. Police Protection:  | Wenatchee Police Department |
23. The site is located on four parcels of land, with street frontages on S. Miller St, Russell St, Fuller St, and Cherry St/Orondo Ave. The site currently contains a Middle School, a Gymnasium, football stadium, baseball stadium, and two lots north of the baseball stadium that formerly had single family homes but are now used for maintenance facilities and/or parking. The parcel to the northwest is owned by the Wenatchee School District and used for athletic fields. The parcel to the southeast is owned by the City of Wenatchee and known as Pioneer Park. The south boundary is the edge of the Russell Street ROW and the western boundary is the edge of the South Miller Street ROW. The northeast boundary is a residential area. Wenatchee High School is located on the opposing corner of the intersection of South Miller Street and Russell/Millerdale. There is a gas station and convenience store at the corner of South Miller and Cherry Street which is accommodated by a Neighborhood Commercial zoning district in its immediate vicinity. Besides the neighborhood commercial use and the high school, the Middle School, athletic facility, and park complex in the area of the project is surrounded by residential uses, mostly characterized by single-family homes.
24. The application was submitted on November 3, 2014
25. The determination of completeness was issued on November 25, 2014
26. The notice of application was mailed to property owners/taxpayers within 350 feet of the subject properties and referred to relevant agencies on November 26, 2014. This notice was amended on December 2, 2014 with the appropriate noticing.
27. The notice of public hearing was mailed to property owners/taxpayers within 350 feet of the subject property and published in the Wenatchee World newspaper on December 9, 2014. A corrected notice was mailed to property owners/taxpayers within 350 feet of the subject property and published in the Wenatchee World newspaper on December 21, 2014.
28. The City of Wenatchee Development Review Engineer has submitted a report dated December 29, 2014 identifying the application of infrastructure standards in code that apply to the development and availability of services for storm, water and sewer. Planning staff recommended that the report be identified as a condition of approval, requiring verification of compliance of the applicable standards for each applicable component of development.

Conformance with this report is consistent with the requirements established by WCC Section 10.42.060(4)(b) as a complete development with sufficient facilities.

29. The applicant's proposal to make renovations to athletic related facilities at Pioneer Middle School will alter the level of compatibility of the facility with the surrounding residential area. The use of the site as a school will not be expanding in capacity with the proposal. Many of the impacts the school may have on the adjacent residential areas are addressed in its compliance with the Community Design Element. All issues with compliance are addressed through the conditions of approval.
30. There is a house at 122 Fuller St. that will be demolished as part of the plan. According to the Chelan County Assessor's records, this structure was built in 1929 and is therefore eligible for historic preservation but is not currently on the historic register or in a historic district. Policy 4 under Historic Preservation discourages the demolition of historic properties by facilitating their adaptive reuse. If demolition cannot be avoided, the Wenatchee School District to seek salvage opportunities prior to the demolition of the structure. A demolition permit will be required for the removal of this house and the City will take photographs of the structure at that time, which will be kept on file for Historic Preservation. The only property on the historic register near the property is the Home of Peace Mausoleum on the west (opposite) side of S. Miller St from Pioneer Middle School. Given that the fundamental land uses are not changing, no impact to the Mausoleum is anticipated.
31. Allowing the project to move forward, will help carry out policies 2 and 3 of the Facilities and Infrastructure goal and policy 1 of the Civic Life goal of the Cultural and Historic Resources Element of the Comprehensive Plan by supporting the school district in improving its existing educational facilities. The components of the project related to the two outdoor athletic facilities will help carry out Policy 8 of the Parks and Open Space goal of the Parks Recreation and Open Space Element.
32. The proposed project complies with Policies 2 and 3 under the Gateways goal in the Community Design Element. The stadium and gymnasium do not block the view of Saddle Rock from Orondo Avenue. The compatibility of the land use before and after construction will maintain its compatibility with the surrounding residential area through the architectural design standards, landscaping, sidewalks and internal pathways that already exist and will exist after the project is complete. The surrounding property owners were notified according to WCC 13.07.080-090.
33. The only relevant policy where there is still uncertainty regarding the compliance of the project with the comprehensive plan is in regard to Dark Sky Design. The field lighting for both the football field and the baseball field will be replaced as part of this project. The applicant has communicated that the lights will not be increasing in height. The light heads will be required to only shine on the athletic fields. A condition of approval will be included requiring the applicant to hire a design professional to formulate a plan to implement the Dark Sky Design policies. This will ensure that the right light fixtures are installed and positioned in such a way as to minimize the impact on the surrounding area.
34. The football and baseball stadiums are used by the whole school district for athletic events and possibly rented to other youth sports events. Although the facilities could be rented for

community events that might fit this under a public assembly use, the primary purpose is educational so the school designation is the best fit.

35. The Director of Community Development has chosen not to trigger new analysis of parking standards due to the existing facilities located at the site, the addition of approximately 39 stalls at the north end of the property, and the fact that the proposed projects would not increase the demand for parking nor the existing land uses. The capacity of the stadiums will not be increasing and although the locker rooms are expanding, the capacity of the school is not increasing so additional parking will not be required.
36. Screening along the northern boundary of the project will be included as a condition of approval as the project is a non-residential use in a residential area.
37. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
38. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
39. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
40. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
41. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
42. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
43. The proposed conditional use will comply with all required performance standards specified in Wenatchee Municipal Code.
44. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Wenatchee Municipal Code.
45. The proposal conforms to the standards specified in the Wenatchee Municipal Code.
46. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 1.09.

2. The subject application demonstrates consistency with the development standards and procedural requirements of WCC, Title 10 Zoning and Title 13 Administration of Development Standards.
3. As conditioned, appropriate provisions have been made for the public health, safety and general welfare.
4. As conditioned, the public use and interest will be served by the approval of this Conditional Use Permit.
5. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Wenatchee Municipal Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in the Wenatchee Municipal Code.
8. As conditioned, the use will comply with all required performance standards as specified in the Wenatchee Municipal Code.
9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Wenatchee Municipal Code or the Comprehensive Plan.
10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application 14-06 is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file, except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Verification of compliance of the applicable standards and the recommended conditions.

4. The Conditional Use Permit shall run with the land.
5. The lighting for both stadiums shall comply with the Dark Sky Design goal and associated policies in the Community Design Element of the City of Wenatchee Comprehensive Plan.
6. No structure constructed under this permit shall rise higher than 40ft above the ground as specified in WCC 10.65.280(3) except for exceptions specified in WCC 10.46.020(2)(d).
7. All proposed structures and remodels shall meet the development standards of Titles 2 (Buildings), 3 (Fire), and 10 (Zoning) of the Wenatchee City Code.
8. The batting cages/locker rooms proposed shall conform with landscaping standards according to WCC 10.62 by providing screening of the building to the adjacent residential properties.
9. The proposed lighting shall conform with dark sky requirements described in the Comprehensive Plan.
10. The applicant shall hire a design professional to submit an analysis that the proposed lighting configuration will not negatively impact surrounding residential uses.
11. The proposed parking lot northwest of the baseball stadium, with access from Orondo Ave, shall be designed to meet landscaping requirements in WCC 10.62 and WCC 10.60.030.
12. The applicant shall offer screening of up to 100% of proposed parking lot lighting to adjacent property owners.
13. The applicant shall complete a boundary line adjustment to consolidate Chelan County Assessor Tax Parcel Numbers 22-20-10-565-043, 22-20-10-565-040, 22-20-10-565-065 and any other parcels the applicant holds title to that they wish to include in the consolidation. This shall be completed prior to the issuance of any building permits for the project outlined in the Recreation Park Master Plan.
14. Prior to demolition of the existing house, the applicant is encouraged to seek salvage opportunities of the structure including, but not limited to reuse of materials onsite.
15. Verification of compliance of the applicable standards within the City of Wenatchee Development Review Engineer's report prepared by Donald Nelson P.E., dated December 29, 2014 prior to the issuance of final occupancies for the new buildings and remodels as applicable.
16. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
17. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
18. The Applicant shall comply with all federal, state and local laws and regulations.
19. Construction shall proceed substantially as shown on the application materials on file with City of Wenatchee, except as modified by conditions below.

Dated this 9<sup>th</sup> day of January, 2015.

CITY OF WENATCHEE HEARING EXAMINER

A handwritten signature in black ink, appearing to read "A. L. Kottkamp", is written over a horizontal line.

Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a); provided however, that no final decision of the hearing examiner may be appealed to superior court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant Wenatchee City Code, Title 13, Chapter 13.11.060.